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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**JOINT STATUS REPORT FOR
DECEMBER 18, 2025 DISCOVERY
STATUS CONFERENCE PURSUANT TO
ECF 4191**

This Document Relates to:

ALL ACTIONS

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

JOINT STATUS REPORT

In advance of the discovery status conference set for Thursday, December 18, 2025 at 10:30 am PST (ECF 4191), Plaintiffs and Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively, “Defendants” or “Uber”) (jointly, “the Parties”), respectfully submit this Joint Status Report.

I. Pending PTO 8 Disputes

Joint Statement: The following PTO 8 briefs are currently pending before the Court: (1) joint letter regarding Orchowski rebuttal report (ECF 4384); (2) joint letter regarding Zgoba rebuttal report (ECF 4386); (3) joint letter regarding Cameron rebuttal report (ECF 4391); and (4) joint letter regarding Drumwright supplemental report (ECF 4393).

During the November 20, 2025, discovery status conference, the Court indicated that it was taking these letter briefs under submission.

II. Updates on Deposition Scheduling

Joint Statement: Attached as Exhibit A is a chart listing the completed and upcoming depositions.

III. Plaintiffs' Dispute with Lyft Concerning Subpoena for Production of Documents Related to Plaintiff Dean's Driver

Plaintiffs' Position: Plaintiffs issued subpoenas to Lyft seeking documents related to the drivers in each of the wave one bellwether cases. Given the imminence of Ms. Dean's trial, Plaintiffs currently seek production of documents related to Ms. Dean's Uber driver and have agreed to defer production related to the other bellwether drivers. Through conferral with Lyft, Plaintiffs agreed to narrow their request to documents concerning prior reports of sexual harassment, sexual misconduct, or sexual assault to Lyft and for prior incident reports and rider complaints to Lyft about Ms. Dean's driver. Lyft has refused to produce this information, arguing that it is irrelevant, subject to hearsay and confidentiality objections, and burdensome. Plaintiffs disagree. The documents are relevant because they reveal the subject driver's history prior to the incident and can help identify "outrage" and "pattern" witnesses who can describe similar misconduct by the driver. The documents are also relevant to the driver's pattern of behavior as well as information that Uber could have known about the driver had it investigated. Lyft's objections to admissibility are speculative and premature, and its objections relating to confidentiality are resolved by the protective order. Finally, Lyft has not provided any quantifiable evidence of undue burden. *See Shaw v. Experian Info. Sols., Inc.*, 306 F.R.D. 293, 301 (S.D. Cal. 2015) (objecting party has burden "to demonstrate that the discovery is unduly burdensome")

1 and must provide “sufficient detail regarding the time, money, and procedures required to produce the
2 requested documents”). Plaintiffs issued the relevant subpoenas to Lyft well in advance of the
3 discovery cut-off for the wave one bellwether cases.

4 Plaintiffs and Lyft have reached an impasse, and Plaintiffs have requested that Lyft agree to
5 proceed under PTO No. 8 to resolve the dispute. Lyft, however, refuses to follow that procedure and
6 contends that Plaintiffs should file a motion. Given the fast-approaching trial date, and the efficacy
7 and efficiencies gained through PTO No. 8, Plaintiffs request that the parties be directed to proceed
8 under that process. Lyft is located in this district and has already appeared before the Court regarding
9 a subpoena dispute in this MDL.

10 **Defendants’ Position:**

11 Defendants understand this to be a matter between Plaintiffs and Lyft as to the process for
12 resolving a dispute, and take no position on it. Defendants disagree with Plaintiffs’ characterization
13 that discovery sought of Lyft would show “information that Uber could have known about the driver
14 had it investigated” as well as the mischaracterization of Ms. Dean’s driver as an “Uber driver.”

15 **IV. Checkr Discovery Related to Plaintiff Dean’s Driver Mr. Turay**

16 **Plaintiffs’ Position:** Plaintiffs served subpoenas on Checkr for documents and a 30(b)(6)
17 deposition seeking information and documents related to the drivers in the Wave 1 bellwether cases.
18 Given the imminence of Ms. Dean’s trial, Plaintiffs narrowed their request to Ms. Dean’s Uber driver
19 (Mr. Turay) and agreed to defer production related to the other bellwether drivers. Checkr has made
20 two productions of documents related to the Dean case. Despite being responsive to the first subpoena,
21 Checkr’s second production showed that Mr. Turay did not pass the background check due to a License
22 Status of cancelled. The new documents also indicate an over 5-minute recorded telephone
23 conversation between Mr. Turay and Checkr on December 19, 2016, addressing Mr. Turay’s
24 suspended license. Immediately after this conversation, Checkr approved Mr. Turay to drive for
25 Uber, noting a January 2008 driver’s license on his background check. Plaintiffs do not have a copy
26 of the 2008 driver’s license or any records submitted to Checkr to clear him to drive. Through conferral
27 with Checkr, Plaintiffs agreed to narrow their request for documents and deposition testimony to the
28

1 December 2016 recorded phone call between Mr. Turay and Checkr, and any additional documents
2 Mr. Turay provided to Checkr during this time period (including information regarding Mr. Turay's
3 2008 driver's license notation) that Checkr reviewed and considered when clearing him to drive on
4 December 19, 2016.

5 Plaintiffs and Checkr are continuing to confer; however, in the event of an impasse, Plaintiffs
6 will be forced to file a PTO 8 brief for relief.

7 **Defendants' Position:**

8 Defendants understand this to be a matter between Plaintiffs and Checkr and the subject of
9 continuing conferrals, and therefore does not appear to be ripe to be raised. Defendants also disagree
10 with the mischaracterization of Mr. Turay as an "Uber driver."

11 **V. Third-Party Witness Depositions for Dean Trial**

12 **Defendants' Position:**

13 In Plaintiff Dean's initial witness list served on December 8, 2025, Kenyuan "Kenny" Bagby
14 was identified as a witness that Plaintiff may call live at trial. Because Mr. Bagby has not been
15 deposed, Defendants have requested deposition dates for Mr. Bagby and are conferring with Plaintiff's
16 counsel.

17 Defendants are meeting and conferring with Plaintiffs regarding their expressed need for a
18 deposition of Officer Lopez, who is a third-party witness. Defendants' counsel do not control or
19 represent him.

20 **Plaintiffs' Position:** Mr. Bagby is a third-party witness. Plaintiff's counsel do not control or
21 represent him. Should Defendants wish to secure Mr. Bagby's deposition prior to trial, they will need
22 to subpoena him.

23 Defendants have identified Officer Lopez as a witness Defendants may call live at trial. Officer
24 Lopez has similarly not been deposed. The parties are meeting and conferring on a mutually agreeable
25 plan for his deposition
26
27
28

By: /s/ Roopal P. Luhana

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ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I hereby attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's consent and have authorized the filing.

Dated: December 15, 2025

By: /s/ Laura Vartain Horn

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Laura Vartain Horn